IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5254 OF 2005

Chittaranjan Damodardas Shah. ... Applicant.

Versus.

The State of Maharashtra. ... Respondents.

Shri Amit Sheth for the Applicant.

Ms.S.D.Shinde, A.P.P. for the Respondent.

Shri A.H.Ponda for the original Complainant.

CORAM : ABHAY S. OKA, J.

DATED : 16th Sept., 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. I have also heard the learned Advocate appearing for the original Complainant. The Advocate appearing for the Applicant and the Advocate appearing for the original Complainant have stated that the entire dispute between the parties on the basis of which the complaint was filed has been settled and consent terms have been filed in Suit No.1049 of 1997 pending in this Court between the Complainant and the Accused. It is stated that the said suit is already disposed of in terms of the consent terms. It is pointed out that the Joint Commissioner of Police, G.B. C.B. (C.I.D.) and the Economic Offence Wing of the Crime Branch, C.I.D., have been informed about the said compromise by sending a letter. The learned Advocate for the Applicant states that in view

of the compromise, the C.R.may be quashed.

2. In my view, considering the nature of accusations made against the Applicant in the F.I.R. and considering the subsequent settlement between the parties, a case is made out for grant of anticipatory bail to the Applicant.

3. The prayer for quashing the F.I.R. cannot be entertained in this Application for anticipatory bail and it is for the Applicant to take out appropriate proceedings in that behalf.

4. Hence the following order is passed:

(i) In the event of arrest of the Applicant in connection with C.R.No.31 of 2003 registered by G.B.C.B. C.I.D. Economic Offence Wing, Unit-II, he shall be released on bail on furnishing personal bond of Rs.5000/- without any surety,

(ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such

facts to the Court or to the Police Officer/ Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the Applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.